IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1022 OF 2003
IN
INCOME TAX APPEAL (LDG.) NO. 269 OF 2003

The Commissioner of Income-tax. ... Appellant.

V/s.

M/s.Ashburn Investment and
Finance Ltd., Mumbai. ... Respondent.

R.G.Bhat for the appellant.

Ms.Aasifa Khan i/b. S.R.Mody for the respondent.

**CORAM : DR.S.RADHAKRISHNAN and V.C.DAGA, JJ.**

**DATED : 11th June 2007.**

**P.C. :**
---

. Heard learned counsel for the appellant and learned counsel for the respondent.

2. By this notice of motion, the appellant is seeking condonation of 243 days in filing appeal. The affidavit filed in support of the notice of motion does not give any details and particulars. In view thereof, the appellant was granted time to file better affidavit vide order 17th October, 2006. Thereafter, again, on three occasions time was granted to file better affidavit. Till today, no better affidavit is filed on record justifying condonation of delay. We are not satisfied with the reasons given by the

appellant in the affidavit in support. Even otherwise, the appeal is not properly filed. In facts and circumstances we dismiss this notice of motion.

3. In view of dismissal of notice of motion, appeal papers be consigned to record.

**(V.C.DAGA, J.)** **(DR.S.RADHAKRISHNAN, J.)**